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8 UNITED STATES DISTRICT COURT
9 WESTERN DISTRICT OF WASHINGTON
10 AT TACOMA

11 STEPHAN DOUGLAS KAUFMAN.

12 Petitioner,

13 v.

14 ELDON VAIL,

15 Respondent.

16 Case No. C10-5445RJB/JRC

17 ORDER HOLDING THE PETITION IN
18 ABEYANCE, DIRECTING COUNSEL TO
19 FILE A MOTION TO RE-OPEN THE
20 CASE, AND ADMINISTRATIVELY
21 CLOSING THE FILE

22 The underlying Petition for a Writ of Habeas Corpus pursuant to 28 U.S.C. § 2254 has
23 been referred to United States Magistrate Judge J. Richard Creatura pursuant to 28 U.S.C. §
24 636(b) (1) (A) and (B), and Local Magistrate Judge's Rule MJR3 and MJR4. Petitioner is
25 represented by counsel. The petition was filed only days before the federal one-year statute of
26 limitations would have run.

27 Counsel explains that he filed the petition to preserve the filing date. He has filed a
28 personal restraint petition in state court to attempt to exhaust a number of claims. He asks this
29 court to hold this petition in abeyance pending the conclusion of the personal restraint petition
30 proceedings. (Dkt. # 3).

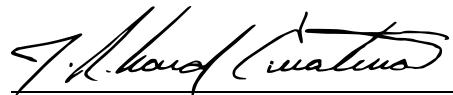
31 ORDER - 1

1 Petitioner has shown good cause to hold this action in abeyance. The motion is
2 GRANTED. Rather than having the case appear on the court's calendar for several months, the
3 most efficient way to proceed is to administratively close this case.

4 Within 20 days of termination of the state court proceedings that are currently pending
5 counsel should file a motion to re-open the case under this cause number and reference this order
6 in that motion.

7 The clerk is directed to administratively close this action.

8 DATED this 5th day of August, 2010.

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11 J. Richard Creatura
12 United States Magistrate Judge
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ORDER - 2